

## **REMARKS**

### **Status of the claims**

Claims 1, 4-13, 19 and 20 were pending in this application. By this response, claims 1, 19 and 20 have been amended. These amendments are fully supported by the specification and do not add new matter. Specifically, these amendments address the antecedent basis and other typographical errors pointed out in the office action. No claims have been cancelled or added.

Accordingly, claims 1, 4-13, 19 and 20 remain pending in this application.

In the office action, the following rejections and objections were made:

Claims 1, 19 and 20 were objected to because of various informalities;

Claims 1, 4-13 and 19-20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and,

Claims 1, 4-13 and 19-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

As noted above, Applicant has amended claims 1, 19 and 20 to address the issues raised in the claim objections and rejections under 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests that these rejections and objections be removed. Turning to the rejection based upon 35 U.S.C. § 112, first paragraph, Applicant respectfully traverses same and requests reconsideration of same in light of the following comments.

### **Argument**

The independent claims were objected to on the basis that the application does not support the claimed element that the second working space is permanently and bidirectionally communicates with the cannula. Applicant disagrees and submits that the specification supports the claimed element.

Specifically, the application discloses that component 31 is a slide forming the control member of a mode selection valve. This mode selection valve has two positions, one of which is shown in figure 2. In this first mode the bore 29 of the pump housing is connected to a bore 33 of a coupling head receiving a reduced diameter portion 32 of the slide 31. The left end of bore 33 communicates with the cannula via a further bore 38.

The passage of the specification starting in line 9 of page 14 and ending in line 29 of page 16 describes the operation of the instrument in its first operating mode, wherein treatment liquid is supplied to the cannula and then to the channel in one half cycle of the operation and used treatment liquid is drawn in a second half cycle (movement of the piston 15 to the right as shown in figure 2).

The connection between the working space 28 and the cannula 42 is always open as long as the slide 31 is in the position shown in figure 2. This means that throughout working of the pump in a feeding and withdrawing mode, this connection is permanently open in both directions.

The independent claims relate to this operation mode and thus, the statements at pages 14 to 16 of the specification apply.

Thus, Applicant submits that the application discloses a permanent and bidirectionally working fluid connection between the working space 28 and the cannula 42.

### **CONCLUSION**

In view of the above, it is submitted that the present application is in condition for issuance and a notice of allowance is respectfully solicited.

If any additional fees are required with this correspondence, the Commissioner is authorized to debit our Deposit Account 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Dated: July 14, 2010

Respectfully Submitted,

/Patrick J. Smith/  
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